

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

JENNIFER ELLEN NUNEZ, and CHRISTY  
MARIE RICE, fka CHRISTY MARIE  
NUNEZ, individually, as heirs of the  
ESTATE OF ANTHONY NUNEZ, and as  
beneficiaries of THE NUNEZ FAMILY  
REVOCABLE INTER VIVOS TRUST,

Plaintiffs,

vs.

MICHAEL KEVIN NUNEZ, JR, individually  
and as TRUSTEE OF THE NUNEZ  
FAMILY REVOCABLE INTER VIVOS  
TRUST; RAYNIE NUNEZ and Does 1-10,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE OF COURT  
TO FILE AMENDED COMPLAINT

Case No. 1:13-CV-126 TS

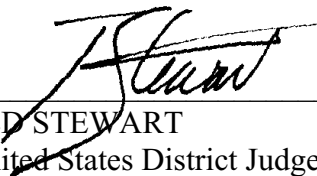
This matter is before the Court on Plaintiffs Jennifer Ellen Nunez and Christy Marie Rice's Motion for Leave of Court to File Amended Complaint. Plaintiffs move the Court for leave to amend their Complaint to include additional factual allegations and claims that became available only after Mr. Scott Rasmussen was appointed as successor trustee for the Nunez Family Trust.

Federal Rule of Civil Procedure 15 governs the filing of amended and supplemental pleadings. Rule 15(a)(1) provides that a party may amend its pleadings “once as a matter of course within . . . 21 day of serving it, or . . . if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading.” Here, Defendants have not yet entered an appearance or otherwise filed a responsive pleading. Further, Plaintiffs have only filed a single Complaint. Thus, Plaintiffs are entitled under Rule 15(a)(1) to amend their pleading as a matter of course. For this reason, the Court will grant Plaintiffs’ Motion. It is therefore

ORDERED that Plaintiffs’ Motion for Leave of Court to File Amended Complaint (Docket No. 21) is GRANTED.

DATED December 23, 2013.

BY THE COURT:



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TED STEWART  
United States District Judge